

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY
LITIGATION**

THIS DOCUMENT RELATES TO:

*MARGARET BAFALON V. JOHNSON &
JOHNSON, ET AL.*
Case No. 3:17-cv-11346

MDL No. 3:16-md-2738-FLW-LH

MOTION TO SUBSTITUTE PARTIES

Comes Plaintiff, by and through undersigned counsel, and HELEN MALONEY, Individually and as Special Administrator of the Estate of Margaret Bafalon, deceased, files this Motion to Substitute Parties pursuant to Federal Rules of Civil Procedure 25(a). In support thereof, HELEN MALONEY states as follows:

1. On August 8, 2021, Margaret Bafalon passed away during the pendency of this civil action. (See redacted Death Certificate, attached hereto as Exhibit A).
2. Margaret Bafalon's products liability action against Defendants survived her death and was not extinguished.
3. Helen Maloney is the duly appointed Special Administrator of Margaret Bafalon's estate. Attached hereto as Exhibits B and C are true and correct copies of the Order Appointing Special Administrator and Letters of Administration, respectively.
4. Pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, Helen Maloney seeks to be substituted in this action as Plaintiff, Special Administrator of the Estate of Margaret Bafalon, and as Successor in Interest on behalf of Margaret Bafalon, and hereby moves to be substituted as a party for Margaret Bafalon. "If a party dies and the claim is not extinguished, the court may order

substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative."

5. The declarant is Margaret Bafalon's successor-in-interest as defined in section 377.11 of the California Code of Civil Procedure, and succeeds Margaret Bafalon's interest in the action or proceeding.

6. Helen Maloney, a Special Administrator of the Estate of Margaret Bafalon, is a proper party for the purposes of filing this motion and continuing this action.

WHEREFORE, and for the reasons set forth herein, HELEN MALONEY respectfully requests this Court grant her Motion to Substitute Parties and moves for the option of this action to be changed to: Helen Maloney, Individually and as Special Administrator of the Estate of Margaret Bafalon, deceased.

Dated: January 5, 2024

Respectfully submitted,

By: /s/ Ken Moll

Ken Moll

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Ken Moll